

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of Adjudication and Hearings



Glossary of Legal Terms Common in OAH Cases

Action

A dispute that has been brought before a court.

Adjudicate

To hear a case and make a decision.

Administrative Law Judge/Administrative Judge

An independent administrative judicial officer within the Executive Branch with authority to hear and decide administrative litigation involving government agencies and/or private citizens and businesses.

Administrative Court

A tribunal within the Executive Branch of Government with legal authority to hear and decide cases and issue orders.

Affiant

Someone who makes and signs an affidavit.

Affidavit

A written statement of fact, signed and sworn to under penalty of perjury in front of a notary or other person who has the legal authority to administer an oath.

Allegations

Statements against one party which the other party is prepared to prove.

Alternative Dispute Resolution

A way to resolve disputes other than through a judge making the decision; also includes mediation.

Answer

The paper in which a Respondent responds to the claims of the Petitioner.

Appeal

A request made to a higher court to reverse or modify a decision made by a lower court.

Appearance

1. Coming to court or filing papers with the court. By doing so, a party will
 - A. be bound by the rules and decisions of the court;
 - B. give to the court an address to which the court and other parties can mail notices and other documents; and

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2. A document identifying someone who is representing another. An attorney files a *Notice of Appearance*, making it known to the court that she or he is representing a specific person or party.

Attachment

The act legally authorized of seizing money or property under the authority of a judicial order and without need for consent from the owner.

Attorney

See *Lawyer* in this Glossary.

Brief

See *Memorandum* in this Glossary.

Burden of Proof

The obligation legally placed on one of the parties in a dispute to prove their allegations in order to obtain relief from the court.

Case

See *Action* in this Glossary.

Certificate of Service

A statement certifying that a petition, charging document, or other document has been served on a party in compliance with legal requirements.

Certified Copy

A copy of a paper which has been signed and certified as a true copy by the officer to whose custody the original is entrusted.

Chambers

A judge's office.

Charging Document

In an enforcement case, a Notice of Infraction, Letter of Proposed Action, or other legal paper telling the Administrative Law Judge and the Respondent what the Government's claims are and what relief it is seeking. This document is filed with the Office of Adjudication and Hearings at the beginning of a case.

Civil Infraction

A non-criminal case concerning the claim by a Government agency that an individual and/or a business has violated the law and is subject to a fine.

Claim

Legal and factual grounds for a court to grant relief.

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Clerk

Administrative officers of the court who assist judges in managing court papers, maintaining records and facilitating court proceedings; also called a Docket Clerk.

Conclusions of Law

The decision made by the presiding judge by applying the law to the facts of the evidence presented in a case.

Contempt

A willful disregard or disobedience of a court's order.

Continuance

Postponement of a hearing that has been scheduled by a court.

Contract

An agreement between two or more parties that may be enforceable in one or more ways through a court action.

Counsel

See *Lawyer* in this Glossary.

Court of Appeals

The court of final appeal in the District of Columbia.

Final Order

A court's final decision on a case brought before it.

Default

A failure of the Respondent to file the appropriate papers within the time allowed or the failure to appear in court for a scheduled hearing.

Default Order

Relief granted by a court when a responding party fails to answer a charging document or petition or appear for trial.

Deny or Denial

A formal answer to a complaint or Notice of Infraction in which the respondent denies the allegations made by the Government or other Petitioner and demands that the allegations be proved in court.

Deponent

Someone who gives a deposition.

Deposition

Testimony taken orally or in writing outside of a courtroom by question and answer under oath. It may be read in court and may be admitted by a judge as evidence.

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Discovery

The procedures sometimes available to a litigating party to learn relevant facts which are known to other parties or witnesses, in order to enable the party to prepare for trial.

Dismiss

To close out a case without granting the relief sought in the charging document or petition; when legally supported, a case may be dismissed by the parties if approved by the judge or by the judge acting on a request of a party, or at the judge's own initiative.

Docket

A written list of cases containing brief notes of the important information in each case before a court. The name docket or trial docket is sometimes given to the list or calendar of cases set for trial or other hearings on a specified date.

Docket Clerk

See *Clerk* in this Glossary.

Docket Number

A unique number that is given to each case as it is filed in a court. This number must be listed on all papers which are filed with the court.

Ex Parte

A Latin phrase for relief that is sought (and is only rarely able to be granted) without notice to the opposing party. In almost all cases, ex parte filings will not be considered by the Administrative Law Judge until they are given to opposing parties.

Execution

Putting a final order into effect; it may include collecting money ordered by the court through attachment or the physical sealing of a premises found to be in violation of the law.

Filing Fee

Amount of money charged by the court when a case or an appeal is started.

Findings

See *Findings of Fact* in this Glossary.

Findings of Fact

Rulings by a court as to what facts have been demonstrated to be correct under the standard of proof.

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Guardian Ad Litem

A person appointed by the court to represent the interests of a child or mentally disabled person. Guardians are different from attorneys in that they make a recommendation to the court about what they think is best for the child or mentally disabled person. Attorneys must usually tell the court what their clients (including children and the mentally disabled) want even if it is not in their best interests.

Hearing

A process by which evidence and/or argument can be presented to the court.

Interrogatories

A discovery device in which written questions of one party which are served on the other party, who must answer by written replies under oath.

Judgment

The name for the order of certain courts or in certain cases.

Jurisdiction

Authority of a court over a person, type of case, or geographic area, so that the court has the right to issue a decision in a case; also used to describe the authority of an enforcement officer or agency to act in a particular kind of case.

Lawyer

A person licensed by the State to represent people in court and give legal advice.

Litigant

A generic term used to describe a party in a legal action. At the Office of Adjudication and Hearings, a litigant can be a Petitioner or a Respondent. In most administrative cases, the Government through one of its agencies is the Petitioner.

Mediation

A process under which parties work with a trained person to attempt to resolve issues on their own, without the intervention of a judge.

Memorandum

A written document in support of a certain position; also called a brief.

Memorandum in Opposition

A memorandum to respond to another written memorandum or written request to the court.

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Modify

To alter; to change; to extend; to amend; to limit; to reduce; usually used with reference to an Order.

Motion

A request to a court for an order granting some kind of relief.

Notary Public

A person who is legally authorized to administer oaths and verify that someone has completed an affidavit under oath.

Notice of Appearance

A paper filed in court notifying the court and the other parties that a party (or their lawyer) is participating in the case. See *Appearance* in this Glossary.

Nunc pro Tunc

A Latin phrase meaning “*Now for then*”. Commonly used when an order or other document is memorializing something that has already occurred.

Oath

Written or oral swearing or affirming that a statement is true.

Order

A document issued by a presiding judge which compels a party to do or not do something.

Party

See *Litigant* in this Glossary.

Perjury

A criminal offense in which a person knowingly provides false information under oath.

Petition

A formal written request to the court for a certain thing to be done, usually used with reference to one of the types of legal papers filed to begin a case.

Petitioner

Someone who begins a case, often the Government in administrative court cases.

Pleading

The process by which parties file things in court, including beginning a case and responding to issues in court, sometimes used to refer to any written argument that has been submitted to a court.

Prehearing Conference

See *Pretrial Conference* in this Glossary.

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Preponderance of Evidence

A standard of proof requiring that a party prove that an allegation is more likely than not to be correct; an amount that is just barely beyond a fifty percent likelihood.

Presiding Administrative Law Judge

An Administrative Law Judge who is adjudicating a particular case.

Pretrial Conference

A meeting at court in which the presiding judge attempts to review and refine the issues and evidence to be presented at trial.

Pro Bono

A Latin phrase meaning "*For the public good*": When a lawyer takes a legal case without being paid, and without expecting payment.

Pro Se

A Latin phrase meaning "*For oneself*". This term is used to refer to parties representing themselves in court without a lawyer.

Relief

Redress or assistance awarded to a party by a court.

Respondent

The person against whom an administrative case is started; in some legal contexts, this person is called a defendant. Generally, the party who must answer a petition, charging document, or other pleading.

Service

The delivery of a petition, notice, or other paper in a suit, to the opposite party in a manner consistent with applicable law.

Settlement

An agreement which is reached by the opposing parties between themselves, ordinarily making it unnecessary for the court to resolve the controversy and allowing the case to be dismissed.

Standard of Proof

The legal measure a judge must use in deciding whether a burden of proof as been met on a particular fact. In most administrative cases, this standard is proof by a preponderance of the evidence.

Status Conference

A meeting at court in which the presiding judge attempts to identify what issues are contested, what, if any, discovery may be completed, and what

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future hearings or procedures are needed and what has been accomplished to date. Ordinarily, no evidence or witnesses are present at these meetings.

Stipulation

An agreement between opposing parties and permitted by the court on any legal or factual matter relevant to the proceeding or trial.

Submission

See *Memorandum* in this Glossary.

Subpoena

An order to compel someone to come to a court at a certain date and time. If a person does not respond to a subpoena, severe penalties including fines and imprisonment can follow.

Superior Court

A trial court that has jurisdiction over all criminal proceedings and over certain civil proceedings in the District of Columbia.

Suit

See *Action* in this Glossary.

Uncontested

A case or issue over which the parties do not disagree; parties will often file a stipulation on an issue that is important to a case and is uncontested.

Unrebutted Evidence

Evidence offered by one party to which the other party has not responded.